

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CURTIS MITCHELL,)
Petitioner)
)
v.) No. 04-10539-RGS
)
SUPERINTENDENT)
TIMOTHY HALL,)
Respondent)

MOTION FOR EXTENSION TO FILE OBJECTIONS TO
MAGISTRATE JUDGE'S REPORT AND RECOMMENDATIONS

Now comes the petitioner and moves this Honorable Court to extend the time for filing his objections to the magistrate judge's report and recommendations to November 22, 2004. In support of this motion the petitioner states the following:

1. The report and recommendation was received by the undersigned counsel on October 29th. A copy of the report will be mailed to the client on November 1st, and it is anticipated that a draft of the objections will be sent to the client by November 5th. The petitioner requests time to review the draft and confer with counsel before a final draft is prepared.
2. Other obligations on the part of counsel, such as preparing an appellate brief in the case of U.S. v. Rafael

Marte, U.S. Court of Appeals No. 04-1466,¹ will prevent counsel from devoting the necessary time to drafting the objections over the next week.

3. The undersigned counsel has spoken with Assistant Attorney General Susanne G. Reardon, who has no objection to the extension.

Wherefore, the petitioner respectfully asks that this motion be ALLOWED.

Respectfully submitted
for the Petitioner,

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CERTIFICATE OF SERVICE

I, Leslie W. O'Brien, counsel for the Petitioner, hereby certify under the penalties of perjury that I have served Assistant Attorney General Susanne G. Reardon with a copy of the foregoing Motion for Extension to File Objections to Magistrate Judge's Report and Recommendations this 1st day of November, 2004, by first class mail.

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¹ The brief is due on November 22nd. An extension will be requested.